

IN THE DRAWINGS

Enclosed herewith are replacement sheets which are corrected drawings in compliance with 37 CFR 1.121(d). In these replacement sheets Figures 1, 2A, 2B, 3, 4A and 4B include the legend –Prior Art– to designate that the material depicted is old.

REMARKS

Claims 17-19 and 23-31 have been allowed.

Claims 5, 10-14 and 16 have been objected to, but would be allowable if rewritten in independent form.

Claim 7 is objected to based on informalities.

Drawings

New Figures 1, 2A, 2B, 3, 4A and 4B are provided bearing the legend –Prior Art– in compliance with 37 CFR 1.121(d).

Claim Objections

In claim 7, line 31 “[rotary]” has been deleted. Thus, the appropriate correction has been made.

Allowable Subject Matter

Claims 17-19 and 23-31 are allowed over the prior art of record.

Claims 5, 10-14 and 16 are objected to as being dependent upon a rejected base claim, but are now in allowable form since they have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Dependent claims 5, 10-14 and 16 have each been rewritten in independent form as new independent claims 32-38, respectively. The allowable feature of claim 5, namely, that the detector is dome shaped, has been added to method claims 20-22. Therefore, amended claims 20-22 are now in allowable form.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 6-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fairley, et al. (*780).

Applicant traverses this rejection. The Fairley reference does not teach or suggest the claimed invention for the reasons set forth in detail below.

Rejected claims 1-4, 6-9, and 15 state that an emitter for irradiating lights to the particle on the object are in a direction substantially parallel to a surface of the object, and the object is disposed on a stage. In the Office Action, the Examiner has asserted that the wording "substantially parallel" can be an angle of 5 to 45 degrees is substantially parallel to the surface of the object. Applicant respectfully disagrees. However, the meaning of the wording "substantially parallel" does not correspond to any inclined angle but is instead zero degrees or an angle parallel relative to the surface of the object.

Amended claim 1 states that the emitter irradiates the lights in the direction which is substantially parallel to the surface of the object. Thus, the lights are irradiated onto only a protruded defect such as a particle. But the lights do not irradiate onto a recessed defect such as a groove. Therefore, only the protruded defect is detected by the lights in accordance with the present invention. In contrast, the Fairley reference discloses that the emitter irradiates lights at an inclined angle onto the surface of the object so that the lights are irradiated onto a recessed defect as well as a protruded defect. Thus, all of the protruded defects and the recessed defects are detected by the lights in accordance with the teachings of Fairley. Therefore, the present invention is significantly different from the Fairley reference.

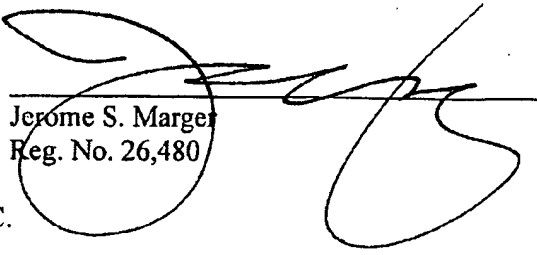
In order for a prior art reference to anticipate a claim under 35 USC 102 (e), each and every element of the claimed invention must be identically shown in the reference. For the reasons set forth above, the Examiner has not made a prima facie case of anticipation.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-38 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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